



## Policy Complaints

This policy has been written with regard to the guidance 'Working together to safeguard children', 'Keeping children safe in education' and the 'Special Education Needs Code of Practice', which places Special Education Needs and Disabilities together and abbreviated to SEND. A copy can be seen in the Headteacher's Office.

This policy takes account of the overall objective of the school's Equality Policy, in line with the Equality Act 2010. This provides a framework for the school to pursue its equality duties, to eliminate unlawful discrimination and harassment, promote equality of opportunity and promote good relations and positive attitudes between people of diverse backgrounds in all its activities. Information and guidance on the Equality Act 2010, including Public Sector Equality Duty, can be found by clicking [here](#).

<b>Title</b>	Complaints Procedure
<b>Date of Issue</b>	June 2020
<b>Review Date</b>	June 2023
<b>Prepared by</b>	Headteacher and Chair of Governors
<b>To be reviewed by</b>	Complaints appeal panel members, parent governors
<b>Appendices</b>	Appendix 1: Complaint Reporting Form Appendix 2: Flowchart of Complaints Procedure
<b>Supply / distribution</b>	Available as a read-only document on the Fynamore School website and hardcopy in the school office.
<b>Other relevant approved documents</b>	School admissions procedure Behaviour policy Staff grievance, capability or disciplinary procedures Whistleblowing policy Data protection policy Freedom of information policy
<b>Authorised by</b>	Governors / Leadership and Management Committee

## 1. Introduction

Fynamore School's governors have approved the following complaints procedure which embodies our school's principles and explains what you should do if you have a concern or complaint. All members of school staff are familiar with the procedure and will be able to assist you.

### **Our principles**

Fynamore is an inclusive school that welcomes all members of our community. This means that our principles, values and practices are based on equity, diversity, and collaboration. Through possibility, we believe we can reach better outcomes and better ways of transforming the life chances of our young people.

We endeavour to provide the best possible education for all our pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive.

We have the utmost positive regard for every member of our school and are committed to every pupil's wellbeing and success. We believe that all pupils matter equally and that everyone should be able to learn and work free from judgement or discrimination.

Where concerns are raised the school intends for these to be dealt with fairly, openly, promptly, and without prejudice. Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policies available on our website.

A positive climate for learning is crucial to this experience and helping pupils to develop good character is one of our greatest responsibilities. In order to help students to flourish as learners, human beings and members of society, we encourage, scaffold and reinforce high expectations, a capacity for empathy, and wisdom. We seek to always behave ethically.

We know that taking concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. The school's complaints procedure is intended to create a positive atmosphere in which to clarify any misunderstandings that might have occurred, identify areas of agreement and discuss any outstanding issues.

Our community is sustained by us all, and we work together to address our collective needs and to achieve more than we do on our own.

Complainants will be encouraged to state what actions they feel might resolve the problem and the school will keep in mind ways in which a complaint can be resolved or improvements can be made.

### **Which procedure do I need?**

Sometimes, when concerns are very specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception:

Pupil admissions; please see the school's admissions procedure or contact Wiltshire Borough Council.

Pupil exclusions; please see the school's behaviour policy.

Staff grievance, capability or disciplinary; these are covered by the school's grievance, disciplinary and capability procedures.

Complaints concerning a third party used by the school; please complain directly to the

third party themselves (unless it directly effects the safety or welfare of the child).  
Anonymous complaints; please refer to the whistleblowing policy.  
Subject Access Requests and Freedom of Information Requests; please see the school's data protection and freedom of information policy

### **Our commitment to confidentiality**

Concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure.

In order for complaints to be resolved as quickly and fairly as possible, we request the complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the member of staff concerned and the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

### **Maintaining records**

A confidential written record of all concerns or complaints that are made in accordance with this procedure will be kept by the school in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018. This may include, but is not limited to, a log of all correspondence, notes of meetings, telephone calls etc.

Such notes would be able to be used to as evidence if further investigation was required, or if a concern became a formal complaint. In this event, the written record will also include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the school as a result of the complaint regardless of whether it has been upheld.

## **2. Raising concerns**

The majority of concerns can be dealt with without resorting to the formal complaints procedure. If you have an important worry or doubt about any aspect of the school or your child's education or wellbeing, please raise this with the class teacher who will work constructively with you provide reassurance. We know that your concerns are more likely to be resolved informally when we all commit to working together towards a resolution in the spirit of co-operation and reasonable compromise.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future.

## **3. Making a complaint**

There are 3 stages to Fynamore School's complaints procedure.

Informal Stage:	Complaint heard by Staff Member
Stage 1:	Complaint heard by Headteacher
Stage 2:	Review by a panel of the Fynamore school Governing Board

## **The informal stage: complaint heard by staff member**

Where as a result of raising a concern you still feel dissatisfied about actions taken or a lack of action, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, you may progress by making an informal complaint.

An informal complaint may be made to any member of school staff; in person, over the telephone, by email or in writing. All staff are aware of the complaints procedure, so they know what to do when they receive a complaint.

Governors are not able to act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure. Where the first approach is made to a governor, the next step would be to advise the complainant about the procedure and refer them to the complaints co-ordinator. At Fynamore, the nominated complaints co-ordinator is the Deputy Headteacher.

1. On receiving an informal complaint, staff will ask the complainant to explain:
  - an overview of the situation so far;
  - who has been involved;
  - why their concern remains unresolved; and
  - action they would like to be taken to put things right.
2. If the information is provided verbally, the staff member will make a note and notify the complaints co-ordinator of the complaint.
3. If the staff member approached feels unable to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member or addressing it directly. The member of staff may be more senior than the approached staff member but does not have to be. The ability to consider the complaint objectively and impartially is more important.

The school will respect the views of a complainant who indicates that s/he would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member or deal with it directly.

4. The staff member dealing with the complaint will respond within 5 working days (excluding those which fall in the school holidays) of having received the details (see 1 above). They will explain what action they intend to take; this may be an action which can be implemented quickly, a temporary short-term resolution. or the complaint may need further investigation.
5. Where further investigation is needed, they will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action.
6. Where the complainant is not satisfied with the resolution or outcome of the investigation, they are able to progress to Stage 1 of the complaints process and launch a formal written complaint.
7. In any event, the complaints co-ordinator will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998.

## **The formal stages of the complaints procedure**

The majority of concerns can be dealt with without resorting to the formal stages of the procedure. If you need to raise a concern or escalate this to an informal complaint, then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

The formal stages of the complaints procedure should only be invoked when attempts to resolve a concern and informal complaint have proved unsuccessful and the complainant wishes to formally express dissatisfaction about actions taken or a lack of action.

The extent to which an informal resolution was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

There are **two** formal stages of the complaints procedure.

### **Stage 1: complaint heard by Headteacher**

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, you may be dissatisfied with the way the complaint was handled at Stage 1, as well as pursuing the initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Notification of a formal complaint should be given as soon as possible after the issue that led to the complaint has occurred and normally within 3 months of written confirmation of the resolution or outcome of the informal stage (above).

The following steps are taken at stage 1:

1. A request for a formal investigation of a complaint by the Headteacher should be made by completing the formal complaints form that is included as Appendix 1 of this procedure.

Where a complaint is about the Headteacher, the formal complaints form should be addressed to the chair of governors who will be responsible for the investigation, rather than the Headteacher.

Where a complaint concerns a governor, the formal complaints form should be addressed to the clerk to the Governing Board. The clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

2. The request will be acknowledged in writing no later than 10 working days (excluding those that fall in the school holidays) of receiving it. The written acknowledgment will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation.
3. The Headteacher will consider all relevant evidence. This may include, but is not limited to:
  - obtaining statements from the complainant and those involved with the complaint
  - meeting with the complainant and those involved in the complaint
  - reviewing correspondence and other document relating to the complaint

4. After considering the available evidence, the Headteacher can decide to:
  - uphold the complaint and direct that certain action be taken to resolve it
  - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
  - dismiss the complaint entirely
5. The Headteacher will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (see 2 above). The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the clerk to the Governing Board.

### **Stage 2: Review by a panel of the Governing Board**

The complainant is entitled to request a review of the decision taken at stage 1 and the actions taken. The review is carried out by a panel of the Governing Board at a meeting convened by the clerk to the Governing Board.

Requests for a review of the decision taken at stage 1 should be made in writing to the clerk via the school office, normally no later than 4 weeks after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.

The clerk will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting. Minutes of the review meeting will be taken by the clerk and provided with the written notification of the decision taken at stage 2 (see 9 below).

The following steps are taken at stage 2:

1. The clerk will acknowledge the written request for the complaint to be reviewed no later than ten working days (not including the school holidays) after receiving it.
2. The clerk will convene a panel of three school governors to review the complaint. All three panel members will have no prior knowledge of the content of the complaint. Independent governors may be appointed from another school, where necessary. The panel may choose their own chair.
3. Individual complaints will not be heard by the whole Governing Board at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
3. The review meeting will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the written acknowledgement from the clerk (see 1 above).
4. The panel **may** decide to invite the following to attend the review meeting:
  - the complainant
  - the Headteacher (or chair of the Governing Board as appropriate) who investigated the complaint and made the decision at stage 1
  - relevant persons involved the complaint

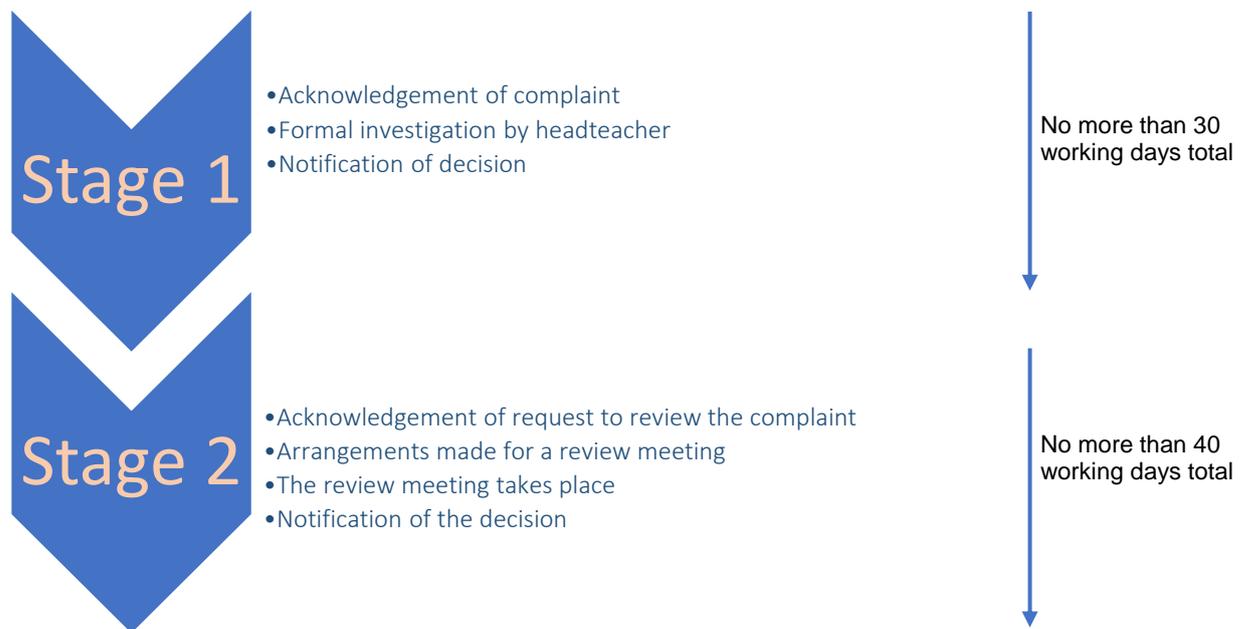
- persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at stage 2
5. Where the complainant, Headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the review meeting.
  6. Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
  7. Where the complaint is about a governor or the Governing Board the complainant may request that the review meeting is held by an independent panel. This is at the discretion of the Governing Board who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
  8. After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:
    - uphold the complaint and direct that certain action be taken to resolve it;
    - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
    - dismiss the complaint entirely.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

9. The complainant, the Headteacher (or chair of the Governing Board as appropriate) who investigated the complaint and made the decision at stage 1, and, where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place.

### **Timescale for completing the formal stages of the procedure**

The school will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage within this procedure. However, if it becomes clear that for any reason it is not possible to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.



This is the **final stage** at which the school will consider the complaint.

If the complainant remains dissatisfied and wishes to escalate the complaint further they should refer to the following:

If the complainant remains dissatisfied with the outcome of the complaints procedure they may contact the local authority [complaints@wiltshire.gov.uk](mailto:complaints@wiltshire.gov.uk)

- If the complainant feels that the Governing Board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that 'unreasonable' is used in a legal sense and means acting in a way in which no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>

### **Serial, persistent and unreasonable (vexatious) complaints**

A small percentage of people will correspond with or complain to the school or governing body in a way that could reasonably be described as obsessive, harassing or repetitious. This correspondence from a minority of individuals takes up a disproportionate amount of resource and can result in unacceptable stress for governors and staff.

For the purpose of this procedure a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that Fynamore School will provide no further response.

The complainant will be provided with the contact details of the Department for Education (<https://www.gov.uk/complain-about-school>) if they wish to take the matter further.

For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason.

Unreasonable complaints include the following scenarios:

#### **Policy Complaints**

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.

In such cases the Headteacher/chair of the Governing Board/clerk to the Governing Board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that Fynamore School will provide no further response.

### **Complaint campaigns**

Occasionally, schools become the focus of a campaign and receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

In accordance with the duty on schools to publish their complaints procedures online under the School Information (England) Regulations 2008, an alternative process for this rare occurrence is included in this procedure.

In this event, the school will, as an alternative to the above process, consider the following approaches:

- sending a template response to all complainants
- publishing a single response on the school's website

### **Further information**

Queries regarding any aspect of the complaints procedure should be directed to the complaints co-ordinator at the following address [office@fynamore.org.uk](mailto:office@fynamore.org.uk).



## Fynamore School Formal Complaint Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:					
Dated:					

<i>Official use</i> Date received: Signed:
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**Flowchart of Complaints Procedure**

**Summary of Dealing with Complaints**

